

**Tentative Rulings**  
**September 21, 2015**  
**Department 8**  
**1:30/1:45**

**NOTICE: Effective August 31, 2015, Judge Marlow will be in Department 8. Therefore, as of that date, the probate calendar will be called in Department 8 rather than Department 6.**

**ESTATES**

**EST OF ROY BLAKE**  
**Case Number: 26772**

**Tentative Ruling on Hearing Confirming Filing of Receipts and Petition for Discharge:** This proceeding is a Petition for Letters of Administration and for Authorization to Administer under the IAEA. The matter is on calendar for further proceedings regarding the filing of receipts and a Petition for Discharge, having been most recently continued from July 20, 2015. A Status Report filed September 18, 2015 informs the Court that the final Tax Audit Penalties have not been received for finalization of the estate. The hearing confirming filing of receipts and Petition for Discharge is continued to **Monday, January 11, 2016 at 1:30 p.m. in Department 8.** If receipts and a Petition for Discharge are not filed prior to the next hearing, the Court **ORDERS** a further Status Report be filed three (3) court days before the next hearing to apprise the Court of (1) the condition of the estate, (2) the reasons why the estate cannot be distributed and closed, and (3) an estimate of the time needed to close administration of the estate. Failure to do so may result in the issuance of an Order to Show Cause Re Termination of the Personal Representative's Authority for failure to comply with the Court Order. **No appearance is necessary on today's calendar.**

**EST OF RICHARD DALRYMPLE**  
**Case Number: 27602**

**Tentative Ruling on First and Final Report of Administration on Waiver of Account and Petition for Allowance of Statutory and Extraordinary Compensation and for Final Distribution:** This proceeding is an action for Letters of Administration with Authorization to Administer under the IAEA. The matter is on calendar for the First and Final Report of Administration on Waiver of Account and Petition for Allowance of Statutory and Extraordinary Compensation and for Final Distribution. The matter has been properly noticed with proof of service on file. No objections have been raised. Waivers of Accounts have been provided by the two beneficiaries. The paperwork appears in order.

The Petition is **GRANTED** as prayed. A proposed order was lodged with the Court and will be executed after the hearing. The matter is set for confirmation of filing of receipts and Petition for Discharge on **Monday, January 25, 2016 at 1:30 p.m. in Department 8.** If receipts and a Petition for Discharge are not filed prior to the next hearing, the Court **ORDERS** a further Status Report be filed three (3) court days before the next hearing to apprise the Court of (1) the condition of the estate, (2) the reasons why the estate cannot be distributed and closed, and (3) an estimate of the time needed to close administration of the estate. Failure to do

so may result in the issuance of an Order to Show Cause Re Monetary Sanctions for failure to comply with the Court Order. **No appearance is necessary on today's calendar.**

## **EST OF EVA DOLLARHIDE**

**Case Number: 28380**

**Tentative Ruling on Petition to Determine Succession to Real Property:** This action is a Petition to Determine Succession to Real Property filed by Diehless Wiggins. The matter is on calendar today for a determination whether to grant the Petition. The matter has been properly noticed with proof of service on file. No objections have been raised. The Court has reviewed the Inventory and Appraisal which was attached to the Petition. The papers appear to be in order.

The requested orders are **GRANTED** as prayed. A proposed order was lodged with the Court and will be executed. **No appearance is necessary on today's calendar.** The Court shall close its file.

## **EST OF WILLIAM DUGUAY**

**Case Number: 27508**

**Tentative Ruling on Further Proceedings on Status of Administration:** This proceeding is a Petition for Letters of Administration and for Authorization to Administer under the IAEA. The matter is on calendar for further proceedings regarding the Status of Administration, having been most recently continued from July 20, 2015. At the hearing on June 8, 2015 it was noted that the Administrator was retaining a tax attorney to determine whether the foreclosure of Decedent's residence might result in a deficiency judgment. At the hearing on July 20, 2015, a continuance was requested to determine whether or not the lending company involved in the foreclosure filed a Form 1099 with the IRS which would generate imputed income to the estate. The matter was continued to today and the personal representative was ordered to file a Status Report three (3) court days before today's hearing if the Petition for Final Distribution had not been filed. No Petition for Final Distribution or Status Report has been filed.

The Court issues an Order to Show Cause Re Monetary Sanctions against the personal representative and counsel for their failure to comply with the Court's order dated July 20, 2015. The hearing on the Order to Show Cause is set for **Monday, November 2, 2015 at 1:30 p.m. in Department 8.** The hearing on status of administration is continued to **Monday, November 2, 2015 at 1:30 p.m. in Department 8.** If a Petition for Final Distribution is not filed prior to the next hearing, the Court **ORDERS** a further Status Report be filed three (3) court days before the next hearing to apprise the Court of (1) the condition of the estate, (2) the reasons why the estate cannot be distributed and closed, and (3) an estimate of the time needed to close administration of the estate. Failure to do so may result in the issuance of an Order to Show Cause Re Termination of the Personal Representative's Authority for failure to comply with the Court Order. **No appearance is necessary on today's calendar.**

## **EST OF FRANCIS GAFFNEY**

**Case Number: 28403**

**Tentative Ruling on Petition for Letters of Administration and Authorization to Administer Under the IAEA:** This action is a Petition for Letters of Administration and Authorization to Administer Under the IAEA. The matter is on calendar today for a determination whether to grant the Petition. The matter has been properly noticed with proof of service on file. No objections have been raised. Proof of publication has been filed.

The Petition is **GRANTED**. The matter is set for **Monday, February 8, 2016 at 1:30 p.m. in Department 8** for confirmation of filing of the Inventory and Appraisal. The matter is set for **Monday, September 26, 2016 at 1:30 p.m. in Department 8** for Status of Administration. The personal representative

is **ORDERED** to comply with Probate Code section 12200 et seq. A proposed Order was lodged with the Court and will be executed. **No appearance is necessary on today's calendar.**

## **EST OF CATHERINE HALL**

### **Case Number: 28162**

**Tentative Ruling on First and Final Account and Report of Administrator and Petition for its Settlement, For Allowance of Compensation and For Final Distribution:** This proceeding is an action for Letters of Administration with Authorization to Administer under the IAEA. The matter is on calendar for the First and Final Account and Report of Administrator and Petition for its Settlement, For Allowance of Compensation and For Final Distribution. The matter has been properly noticed with proof of service on file. No objections have been raised. The paperwork appears in order.

The Petition is **GRANTED** as prayed. A proposed order was lodged with the Court and will be executed after the hearing. The matter is set for confirmation of filing of receipts and Petition for Discharge on **Monday, February 29, 2016 at 1:30 p.m. in Department 8.** If receipts and a Petition for Discharge are not filed prior to the next hearing, the Court **ORDERS** a further Status Report be filed three (3) court days before the next hearing to apprise the Court of (1) the condition of the estate, (2) the reasons why the estate cannot be distributed and closed, and (3) an estimate of the time needed to close administration of the estate. Failure to do so may result in the issuance of an Order to Show Cause Re Monetary Sanctions for failure to comply with the Court Order. **No appearance is necessary on today's calendar.**

## **EST OF AVERILL HAMPTON**

### **Case Number: 27892**

**Tentative Ruling on (1) Order to Show Cause Re: Monetary Sanctions; and (2) Status of Administration:** This proceeding is a Petition for Probate of Will and Letters Testamentary with Authorization to Administer under the IAEA.

**Order to Show Cause:** In view of the Status Report of Administration filed September 14, 2015, monetary sanctions are not imposed. The order to show cause is discharged.

**Status of Administration:** The Status Report of Administration states the sole estate asset is real property and said real property is currently listed for sale. The Report of Status requests a continuance to April 2016. The Status of Administration is continued to **Monday, April 4, 2016 at 1:30 p.m. in Department 8.** If the Petition for Final Distribution is not filed prior to the next hearing, the Court **ORDERS** a Status Report be filed three (3) court days before the next hearing to apprise the Court of what must be accomplished before the filing of the Petition for Final Distribution. Failure to do so may result in the issuance of an Order to Show Cause Re Monetary Sanctions. **No appearance is necessary on today's calendar.**

## **EST OF MICHAEL HAWKINS**

### **Case Number: 27947**

**Tentative Ruling on Status of Administration Hearing:** This proceeding is a Petition for Letters of Administration with Authorization to Administer under the IAEA. The matter is on calendar for Status of Administration having been continued from August 17, 2015 due to an incomplete proof of service. The matter has been properly noticed with proof of service on file. The Report of Status of Administration indicates that the personal representative is in the process of preparing the Petition for Final Distribution and requests a continuance of three months. This matter is continued to **Monday, January 11, 2016 at 1:30 p.m. in Department 8.** If a Petition for Final Distribution is not filed prior to the next hearing, the Court **ORDERS** a further Status Report be filed three (3) court days before the next hearing to apprise the Court of (1) the

condition of the estate, (2) the reasons why the estate cannot be distributed and closed, and (3) an estimate of the time needed to close administration of the estate. Failure to do so may result in the issuance of an Order to Show Cause Re Monetary Sanctions for failure to comply with the Court Order. **No appearance is necessary on today's calendar.**

## **EST OF MICHAEL HUGHES**

**Case Number: 28134**

**Tentative Ruling on Confirmation of Filing of Inventory and Appraisal:** This action is a Petition for Letters of Administration with Authorization to Administer under the IAEA. The matter is on calendar today for Confirmation of Filing of Inventory and Appraisal, having been continued from June 1, 2015. The Final Inventory and Appraisal was filed July 7, 2015 and is accepted by the Court. The Court notes the future court date of February 1, 2016 for Status of Administration. **No appearance is necessary on today's calendar.**

## **EST OF DAVID KARSTENSEN**

**Case Number: 27936**

**Tentative Ruling on Status of Settlement/Dismissal:** This action is a Petition for Probate of Will and for Letters Testamentary with Authorization to Administer under the IAEA. The matter is on calendar today for Status of Settlement/Dismissal. A document entitled Agreement Regarding Stipulated Settlement was filed September 11, 2015 with a proposed Order pursuant to the stipulation. The proposed Order has been signed and provides that the probate of the estate shall proceed intestate and the will previously submitted by Sandra L. Ellison is withdrawn.

The Status of Administration hearing date of January 25, 2016 was mistakenly vacated when the Notice of Settlement was received. Therefore the Court re-sets this matter for Status of Administration of Estate on **Monday, January 25, 2016 at 1:30 in Department 8.** The personal representative is **ORDERED** to comply with Probate Code section 12200 et seq. related to the Status of Administration. **No appearance is necessary on today's calendar.**

## **EST OF RICHARD MCDONALD**

**Case Number: 28240**

**Tentative Ruling on Confirmation of Filing of Inventory and Appraisal:** This action is a Petition for Letters of Administration with Authorization to Administer under the IAEA. The matter is on calendar today for Confirmation of Filing of Inventory and Appraisal, having been continued from May 18, 2015. The Administrator's Status Report filed on September 16, 2015 indicates that it has requested documentation from CalPers to facilitate the collection of benefits and requests an additional six months to submit the Inventory and Appraisal. This matter is continued **Monday, March 21, 2016 at 1:30 in Department 8.** The Court notes the future date of May 23, 2016 for Status of Administration. **No appearance is necessary on today's calendar.**

## **EST OF TED RILEY**

**Case Number: 28172**

**Tentative Ruling on (1) Order to Show Cause Re: Monetary Sanctions; and (2) Confirmation of Filing of Inventory and Appraisal:** This proceeding is a Petition for Letters of Administration with Authorization to Administer under the IAEA.

**Order to Show Cause:** Counsel Small has filed a Response to the Order to Show Cause which addresses both the Order to Show Cause and the status of the Inventory and Appraisal. Based on the Response the Court does not impose sanctions. The order to show cause is discharged.

**Inventory and Appraisal:** The Response indicates that the only significant estate asset is temporarily tied up in litigation and estimates that the Inventory and Appraisal will be filed within the next sixty (60) days. The hearing on the Confirmation of Filing of Inventory and Appraisal is continued to **Monday, December 21, 2015 at 1:30 p.m. in Department 8.** The Court notes the future date of March 28, 2016 for Status of Administration. **No appearance is necessary on today's calendar.**

## **EST OF DAVID SHELL**

**Case Number: 28207**

**Tentative Ruling on Confirmation of Filing of Inventory and Appraisal:** This action is a Petition for Probate of Will and for Letters Testamentary with Authorization to Administer under the IAEA. The matter is on calendar today for Confirmation of Filing of Inventory and Appraisal, which was to be filed within four months after letters were first issued pursuant to Probate Code section 8800. The Partial Inventory and Appraisal, filed on June 29, 2015, has been reviewed. It only provides values for a small portion of the estate assets. The Partial Inventory and Appraisal is accepted but additional Inventory and Appraisals need to be filed related to the remaining assets. The hearing on the confirmation of the filing of the Final Inventory and Appraisal is continued to **Monday, October 26, 2015 at 1:30 p.m. in Department 8.** If a Final Inventory and Appraisal is not filed prior to the next hearing, the Court **ORDERS** a Status Report be filed three (3) court days before the next hearing to apprise the Court of what must be accomplished before the filing of a Final Inventory and Appraisal. Failure to do so may result in the issuance of an Order to Show Cause Re Monetary Sanctions of \$250.00 for failure to comply with the Court Order. The Court notes the future court date of May 9, 2016 for Status of Administration. **No appearance is necessary on today's calendar.**

## **EST OF GLORIA THORE**

**Case Number: 28396**

**Tentative Ruling on Petition for Letters of Administration and Authorization to Administer Under the IAEA:** This action is a Petition for Letters of Administration and Authorization to Administer Under the IAEA. The matter is on calendar today for a determination whether to grant the Petition. The matter has been properly noticed, with proof of service on file. Proof of proper publication has been filed. The bond requirement has been waived. No objections have been raised. The papers appear to be in order.

The Petition is **GRANTED**. The matter is set for **Monday, February 8, 2016 at 1:30 p.m. in Department 8** for confirmation of filing of the Inventory and Appraisal. The matter is set for **Monday, September 26, 2016 at 1:30 p.m. in Department 8** for Status of Administration. The personal representative is **ORDERED** to comply with Probate Code section 12200 et seq. A proposed Order was lodged with the Court and will be executed. **No appearance is necessary on today's calendar.**

## **EST OF BARBARA WOOD**

**Case Number: 28210**

**Tentative Ruling on Petition for Letters of Administration and Authorization to Administer Under the IAEA:** This action is a Petition for Letters of Administration and Authorization to Administer Under the IAEA. The matter is on calendar today for a determination whether to grant the Petition, having been continued from April 6, 2015, May 11, 2015 and June 22, 2015 to address deficiencies noted in the previously issued tentative rulings. Although proof of publication has been filed and no objections have been raised, the Court may not

grant the Petition for the same reasons pointed out in three previous tentative rulings: (1) the proof of service on the Notice of Petition to Administer Estates is invalid due to a failure to complete the date and place mailed; and (2) the Petition does not address bond, but the proposed Order for Probate sets forth that bond is not required. The Petition must address the basis for bond not being required. The Court notes bond has not been waived by the beneficiaries. The matter was continued three times to permit the Petitioners an opportunity to remedy the deficiencies but no action has been taken by the Petitioners.

The Petition is **DENIED** without prejudice. The clerk is instructed to **close** the file.

## **TRUSTS**

### **IN RE THE ADERHOLD FAMILY 1993 REVOCABLE TRUST**

**Case Number: 28237**

**Tentative Ruling on Status of Settlement:** This action is a Petition to Compel Trustee to Fund Bypass Trust, for an Accounting of Trustee's Distribution of Assets, and for Surcharge. The matter is on calendar today for status of settlement. At the previous hearing on August 17, 2015, the Court was informed by counsel that this matter had settled. No further documentations have been filed since that time. **The parties are ordered to appear to provide the Court with the status of settlement.**

### **IN RE THE ASHLEY STITES IRREVOCABLE SPECIAL NEEDS TRUST**

**Case Number: 27186**

**Tentative Ruling on Petition for Approval of Fourth Account and Report of Trustee, Petition for Approval of Trustee and Attorney's Fees and Increase in Bond:** This proceeding concerns the Ashley Stites Irrevocable Special Needs Trust. The matter is on calendar today for a Petition for Approval of Fourth Account and Report of Trustee, Petition for Approval of Trustee, and Attorney's Fees and Increase in Bond. The matter has been properly noticed with proof of service on file. No objections have been raised. The paperwork appears in order.

The Petition is **GRANTED** as prayed. A proposed order was lodged with the Court and will be executed at the hearing. The Fifth Account and Report of Trustee shall cover the time period of February 1, 2015 through January 31, 2016 and must be filed with the Court no later than May 2, 2016. The hearing on the Fifth Account and Report of Trustee is set for **Monday, June 6, 2016 at 1:30 p.m. in Department 8**. **No appearance is necessary on today's calendar.**

### **IN RE THE CHARITABLE TRUST OF RICHARD B EATON**

**Case Number: 26230**

**Tentative Ruling on First and Final Account and Report of Trustee, Petition for its Settlement, Petition for Acceptance of Resignation of Wells Fargo Bank, N.A. and for Appointment of Successor Trustee:** This proceeding concerns the Charitable Trust of Richard B. Eaton. The matter is on calendar today for a First and Final Account and Report of Trustee, Petition for its Settlement, Petition for Acceptance of Resignation of Wells Fargo Bank, N.A., and for Appointment of Successor Trustee. The matter has been properly noticed with proof of service on file. No objections have been raised. The paperwork appears in order.

The Petition is **GRANTED** as prayed. A proposed order was lodged with the Court and will be executed at the hearing. The Court orders that the Successor Trustee post a bond pursuant to Probate Code Section 15602 in an amount to be set at the time of the hearing. The Court sets this matter for **Monday, November 30, 2015 at 1:30 p.m. in Department 8** for confirmation of transfer of the assets to the successor

trustee and for confirmation of posting of bond. **An appearance is necessary on today's calendar to address the amount of bond.**

## **IN RE THE FOSTER 1991 REVOCABLE LIVING TRUST**

### **Case Number: 26649**

**Tentative Ruling on Report of Executor on Waiver of Account, Petition for Allowance of Compensation, and for Final Distribution:** This proceeding concerns the Foster 1991 Revocable Living Trust. This matter was consolidated with Case No. 27305 which was a proceeding for Petition for Probate of Will and for Letters Testamentary with Authorization to Administer under the IAEA. The matters were submitted to arbitration which resulted in a judgment pursuant to arbitration which permitted Executor, Fred Carrier to proceed with the Probate of Will. The matter is on calendar today for hearing on the Report of Executor on Waiver of Account, Petition for Allowance of Compensation, and for Final Distribution. The matter has been properly noticed with proof of service on file. No objections have been raised.

The Petition is **GRANTED** as prayed. A proposed judgment was lodged with the Court and will be executed at the hearing. The Court notes that an Ex Parte Petition for Discharge has also been filed and sets forth that no receipts are required because Petitioner is the sole distributee. The Order for Final Discharge will be executed at the hearing. This file may be closed. **No appearance is necessary on today's calendar.**

## **IN RE THE RICHARD H. CROCKETT REVOCABLE IN**

### **Case Number: 28309**

Based on the provisions of Code of Civil Procedure section 170.1(a)(6)(A)(iii), which provides that a person aware of the facts might reasonably entertain a doubt that the judge would be able to be impartial, Judge Marlow recuses on this matter. Today's hearing is **VACATED**. An order of reassignment is pending, with all parties to be notified by mail of the continued hearing date and location.

## **IN RE THE WILLIAM J. JOHNSON AND PATRICIA A. JOHNSON**

### **FAMILY TRUST**

### **Case Number: 28378**

**Tentative Ruling on Petition for Order Modifying and Reforming Irrevocable Trust:** This proceeding is a Petition for Order Modifying and Reforming Irrevocable Trust. The matter is on calendar today for a determination whether to grant the Petition. The matter has been properly noticed with proof of service on file. No objections have been raised. The paperwork appears in order.

The Petition is **GRANTED** as prayed. A proposed order was lodged with the Court and will be executed at the hearing. The Court shall **close** its file. **No appearance is necessary on today's calendar.**

## CONSERVATORSHIPS

### CONS OF RAYMOND BEDFORD

**Case Number: 28027**

**Tentative Ruling on Petition for Authority to Sell Conservatee's Residence Without Court Confirmation:** This is a Conservatorship of the Person and Estate. The matter is on calendar today for a determination whether to grant the above-referenced petition. The matter has been properly noticed with proof of service on file. No objections have been raised. The papers appear to be in order. The requested orders are **GRANTED** as prayed. A proposed Order was lodged with the Court and will be executed. The Court notes the future court date of March 28, 2016 for Annual Review and First Accounting. **No appearance is necessary on today's calendar.**

### CONS OF EMILY BUENDIA

**Case Number: 27142**

**Public Defender**

**Tentative Ruling on Biennial Review:** This is a Limited Conservatorship of the Person. The matter is on calendar today for continued hearing on Biennial Review. The Court has read and considered the report filed September 2, 2015 by the Court Investigator in Orange County, who performed a reciprocal review. The Court Investigator recommends that the Conservatorship continue. The report indicates that there have been no significant changes and that the Conservatorship continues to benefit the Conservatee. The Court **FINDS** that the Conservator is acting in the best interest of the Conservatee, and continued Conservatorship is in the best interest of the Conservatee. The Court **ORDERS** that the Conservatorship shall continue. The Court **ORDERS** that the Co-Conservators provide their current addresses to the Court Investigator.

The Court notes the Conservatee resides in an adult residential facility in Garden Grove, which is in Orange County. Neither Co-Conservator resides in Shasta County. On its own motion, the Court intends to order a transfer of venue to Orange County. Counsel for the Co-Conservators is **ORDERED** to prepare an Order of Transfer. The matter is set for Status of Transfer to Orange County on **Monday, November 23, 2015 at 1:30 p.m. in Department 8.**

The matter is set for Biennial Review on **Monday, November 6, 2017 at 1:30 p.m. in Department 8.** The Court Investigator's report shall be filed no later than 30 days before the next Biennial Review. Upon transfer of the case to Orange County, the Biennial Review date in Shasta County shall be vacated. **An appearance is necessary on today's calendar to address the change of venue.**

### CONS OF HAROLD CHRISTY

**Case Number: 28050**

**Tentative Ruling on Confirmation of Filing Inventory and Appraisal:** This is a Conservatorship of the Estate only. The matter is on calendar today for hearing on Confirmation of Filing Inventory and Appraisal, having been reset by the Court from August 17, 2015 to today inasmuch as letters never issued in this case because no bond had been filed. There is no bond on file, and thus, no Inventory and Appraisal. The Court notes the future court date of April 18, 2016 for Annual Review and First Accounting. **An appearance is necessary on today's calendar to address the bond and for consideration of the issuance of an order to show cause for monetary sanctions of \$250.00 for violation of the Order Appointing Successor Conservator wherein a bond was ordered.**



## **CONS OF MARY CRAIG**

**Case Number: 23299**

**Erin McNally**

**Tentative Ruling on Biennial Review:** This is a Limited Conservatorship of the Person. The matter is on calendar today for Biennial Review. The Court has read and considered the report filed September 14, 2015 by the Court Investigator, which recommends that the Conservatorship continue. The report indicates that there have been no significant changes and that the Conservatorship continues to benefit the Conservatee. The Court **FINDS** that the Conservator is acting in the best interest of the Conservatee, and continued Conservatorship is in the best interest of the Conservatee. The Court **ORDERS** that the Conservatorship shall continue. The matter is set for Biennial Review on **Monday, November 6, 2017 at 1:30 p.m. in Department 8.** The Court Investigator's report shall be filed no later than 30 days before the next Biennial Review. **No appearance is necessary on today's calendar.**

## **CONS OF GLENN DRYBURGH**

**Case Number: 25913**

**Tentative Ruling on Biennial Review:** This is a Conservatorship of the Person and Estate. The matter is on calendar today for Biennial Review. The Court has read and considered the report filed September 9, 2015 by the Court Investigator, which recommends that the Conservatorship continue. The report indicates that there have been no significant changes and that the Conservatorship continues to benefit the Conservatee. The Court **FINDS** that the Conservator is acting in the best interest of the Conservatee, and continued Conservatorship is in the best interest of the Conservatee. The Court **ORDERS** that the Conservatorship shall continue. The matter is set for Biennial Review on **Monday, November 6, 2017 at 1:30 p.m. in Department 8.** The Court Investigator's report shall be filed no later than 30 days before the next Biennial Review.

As to the Conservatorship of the Estate, the Court notes the Order Appointing Probate Conservator filed September 22, 2008 waived future accountings so long as the Estate falls within the criteria set out in Probate Code sections 2323 and 2628(b). **No appearance is necessary on today's calendar.**

## **CONS OF LEE DURFEE**

**Case Number: 21599**

**Tentative Ruling on Biennial Review:** This is a Limited Conservatorship of the Person. The matter is on calendar today for Biennial Review. The Court has read and considered the report filed September 17, 2015 by the Court Investigator, which recommends that the Conservatorship continue. The report indicates that there have been no significant changes and that the Conservatorship continues to benefit the Conservatee. The Court **FINDS** that the Conservator is acting in the best interest of the Conservatee, and continued Conservatorship is in the best interest of the Conservatee. The Court **ORDERS** that the Conservatorship shall continue. The matter is set for Biennial Review on **Monday, November 6, 2017 at 1:30 p.m. in Department 8.** The Court Investigator's report shall be filed no later than 30 days before the next Biennial Review. **No appearance is necessary on today's calendar.**

It is noted that a copy of the Court Investigator's report was sent to Campbell & Clark. The Court file does not reflect Campbell & Clark as attorney of record. If Campbell & Clark represents the Successor Conservator, a substitution of attorney is required. The Letters which issued on January 14, 2000 show the Successor Conservator, Janette Yount, as self-represented.

## CONS OF CAROL DUTT

**Case Number: 19624**

**Tentative Ruling on Biennial Review:** This is a Conservatorship of the Person. The matter is on calendar today for Biennial Review. The Court has read and considered the report filed September 17, 2015 by the Court Investigator, which recommends that the Conservatorship continue. The report indicates that there have been no significant changes and that the Conservatorship continues to benefit the Conservatee. The Court **FINDS** that the Conservator is acting in the best interest of the Conservatee, and continued Conservatorship is in the best interest of the Conservatee. The Court **ORDERS** that the Conservatorship shall continue. The matter is set for Biennial Review on **Monday, November 6, 2017 at 1:30 p.m. in Department 8.** The Court Investigator's report shall be filed no later than 30 days before the next Biennial Review. **No appearance is necessary on today's calendar.**

## CONS OF VIRGINIA JACKSON

**Case Number: 26212**

**Tentative Ruling on (1) Biennial Review; and (2) Tenth Account and Report of Conservator:** This is a Conservatorship of the Person and Estate. The matter is on calendar today for Biennial Review and Accounting.

**Biennial Review:** The Court has read and considered the report filed September 17, 2015 by the Court Investigator, which recommends that the Conservatorship continue. The report indicates that there have been no significant changes and that the Conservatorship continues to benefit the Conservatee. The Court **FINDS** that the Conservator is acting in the best interest of the Conservatee, and continued Conservatorship is in the best interest of the Conservatee. The Court **ORDERS** that the Conservatorship shall continue. The matter is set for Biennial Review on **Monday, October 30, 2017 at 1:30 p.m. in Department 8.** The Court Investigator's report shall be filed no later than 30 days before the next Biennial Review.

**Tenth Account and Report of Conservator; Petition for Confirmation of Payment of Fees to Conservator and Confirmation of Payment of Attorneys' Fees:** This report covers the time period beginning May 13, 2014 and ending May 12, 2015. The matter has been properly noticed with proof of service on file. No objections have been raised. The papers appear to be in order. The requested orders are **GRANTED**. A proposed order was lodged with the Court and will be executed after the hearing. The Eleventh Account and Report of Conservator will cover the time period beginning May 13, 2015 and ending May 12, 2017 and must be filed with the Court no later than 90 days after close of accounting period. The hearing on the Eleventh Account and Report of Conservator is set for **Monday, October 30, 2017 at 1:30 p.m. in Department 8.**

**No appearance is necessary on today's calendar.**

## CONS OF JACK MAYFIELD

**Case Number: 28387**

**Tentative Ruling on Petition for Appointment of Conservator of the Person and Estate:** This matter is on calendar today for a determination whether to grant the above-referenced petition. Citation with proof of service on the proposed Conservatee has not been filed. The matter otherwise has been properly noticed with proof of service on file. On September 10, 2015, an Opposition to Proposed Conservatorship was filed by Sandra McCullar. The Court Investigator's report has not been filed. The proposed Conservatee resides in Burney, and the Court Investigator has requested a continuance. The hearing on the Petition is continued to

**Monday, October 26, 2015 at 1:30 p.m. in Department 6.** No appearance is necessary on today's calendar.

## **CONS OF HAZEL MCKIM**

**Case Number: 25214**

### **Tentative Ruling on (1) Petition for Appointment of Co-Conservator of the Person and Estate; and (2) Seventh Account and Report of Conservator; Petition for Allowance of Fees and for Reduction of Bond:**

This is a Conservatorship of the Person and Estate. The matter is on calendar today for a determination whether to grant the above-referenced petitions and approve the seventh accounting.

**Petition for Appointment of Co-Conservator of the Person and Estate:** There is no proof of service of today's hearing. The proof of service relating to this Petition was filed July 20, 2015 and shows service of Notice of Hearing for a hearing date on September 8, 2015. The hearing date was changed to September 21, 2015 by the court clerk at the time the petition was filed, and a notice was stamped on the Notice of Hearing setting forth that the moving party shall give notice of the change of date, time, and/or department to all parties. No subsequent proof of service of Notice of Hearing for today's date has been filed. The hearing is continued to **Monday, October 26, 2015 at 1:30 p.m. in Department 8.** The Biennial Review set for June 20, 2016 is **vacated.**

### **Seventh Account and Report of Conservator; Petition for Allowance of Fees and for Reduction of Bond:**

This report covers the time period beginning December 11, 2012 and ending December 10, 2014. The matter has been properly noticed with proof of service on file. No objections have been raised. The papers appear to be in order. The requested orders are **GRANTED**. A proposed order was lodged with the Court and will be executed after the hearing. The Eighth Account and Report of Conservator will cover the time period beginning December 11, 2014 and ending December 10, 2016 and must be filed with the Court no later than 90 days after close of accounting period. The hearing on the Eighth Account and Report of Conservator is set for **Monday, May 1, 2017 at 1:30 p.m. in Department 8.**

No appearance is necessary on today's calendar.

## **CONS OF JOHN MYERS**

**Case Number: 27103**

**Tentative Ruling on Second Account and Report of Conservator:** This is a Conservatorship of the Person and Estate. The matter is on calendar today for a hearing on the Second Account and Report of Conservator for the time period beginning April 30, 2013 and ending April 29, 2015. The Second Account has not been filed. The Second Account and Report of Conservator is continued to **Monday, November 9, 2015 at 1:30 p.m. in Department 8.** Failure to file the Second Account and Report of Conservator before the next hearing may result in the issuance of an Order to Show Cause Re Monetary Sanctions of \$250.00. The Court notes the future court date of September 25, 2017 for the Biennial Review. **No appearance is necessary on today's calendar.**

## **CONS OF OSCAR WELCH**

**Case Number: 28299**

**Tentative Ruling on Status of Dismissals of Petitions:** A Petition for Conservatorship of the Person and Estate was filed June 2, 2015 by Michael Welch, son of the proposed Conservatee. On July 24, 2015 an Objection to Petition for Appointment of Michael Welch as Probate Conservator was filed by Mary Welch,

spouse of the proposed Conservatee. Also filed on July 24, 2015 by Mary Welch was a competing Petition for Appointment as Conservator.

At the last hearing on August 17, 2015, a copy of a letter dated August 10, 2015 from counsel for Michael Welch to counsel for Mary Welch informed the Court that a settlement has been reached that would result in a dismissal of both Petitions after the Court made a finding of incapacity based on the Capacity Declaration of Dr. Short. The Court made the finding on August 17, 2015. The Court did not establish a conservatorship inasmuch as a Trust provides direction for co-trustees and a Power of Attorney provides powers to Mary Welch which the parties agreed obviated the need for a conservatorship. The hearing on both Petitions was continued to today for status of dismissals. **An appearance is necessary on today's calendar regarding the status of dismissals.**

## **CONS OF DOROTHY WHORTON**

**Case Number: 23623**

**Tentative Ruling on Six Month Review:** This is a Conservatorship of the Person and Estate. The matter is on calendar today for a six-month review. The Conservatee resides in Paradise. The Court Investigator has requested a continuance. The Six Month Review is continued to **Monday, October 5, 2015 at 1:30 p.m. in Department 8.** **No appearance is necessary on today's calendar.**

## **CONS OF PHOENIX WILLIAMS**

**Case Number: 28117**

**Public Defender**

**Tentative Ruling on Confirmation of Filing Care Plan:** This is a Limited Conservatorship of the Person. The matter is on calendar today to confirm the filing of the Conservatorship Care Plan and Determination of Conservatee's Appropriate Level of Care, which were filed July 21, 2015 and are approved. The Court notes the future court date of June 13, 2016 for Annual Review. **No appearance is necessary on today's calendar.**

## **CONS OF EMMANUEL ZAMORA**

**Case Number: 22902**

**Erin McNally**

**Tentative Ruling on Biennial Review:** This is a Limited Conservatorship of the Person. The matter is on calendar today for Biennial Review. The Court has read and considered the report filed September 15, 2015 by the Court Investigator, which recommends that the Conservatorship continue. The report indicates that there have been no significant changes and that the Conservatorship continues to benefit the Conservatee. The Court **FINDS** that the Conservator is acting in the best interest of the Conservatee, and continued Conservatorship is in the best interest of the Conservatee. The Court **ORDERS** that the Conservatorship shall continue. The matter is set for Biennial Review on **Monday, November 6, 2017 at 1:30 p.m. in Department 8.** The Court Investigator's report shall be filed no later than 30 days before the next Biennial Review. **No appearance is necessary on today's calendar.**